

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	Civil Action No. 2:10-cv-13101-BAF-RSW
)	
and)	
)	Judge Bernard A. Friedman
NATURAL RESOURCES DEFENSE)	
COUNCIL, and SIERRA CLUB)	Magistrate Judge R. Steven Whalen
)	
Plaintiff-Intervenors)	
v.)	
)	
DTE ENERGY COMPANY, and)	
DETROIT EDISON COMPANY)	
)	
Defendants.)	
)	

**PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION
TO ESTABLISH CORRECT LEGAL STANDARD ON THE ISSUE OF
“ROUTINE MAINTENANCE, REPAIR AND REPLACEMENT”**

EXHIBIT 3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

SEP 7 1988

SEP 9 '88

Mobil Oil Corporation/
Paulsboro Refinery
Paulsboro, New Jersey 08066

Attention: Mr. Dale E. Choate, Refinery Manager

Dear Mr. Choate:

This memorandum is written in response to your request dated February 26, 1988 concerning EPA's concurrence on the scheduled replacement of the regenerator cyclones in the Fluid Catalytic Cracking Unit (FCC), at the Paulsboro refinery. Additional information concerning this project was submitted to Mr. William J. O'Sullivan, Assistant Director, of the New Jersey Department of Environmental Protection ("NJDEP"), on May 23, 1988.

EPA, Region II, has reviewed this information, together with the information provided in your February 26, 1988 submittal and has determined that the replacement of the regenerator cyclones does constitute routine maintenance. During this turnaround, repairs and replacement of FCC components at the Paulsboro refinery, are not considered modifications under §60.14(e)(1), therefore, this unit is not subject to New Source Performance Standards ("NSPS") for sulfur oxides ("SO_x").

If you have any further questions, please contact Jose A. Rodriguez at (212)-264-6686.

Sincerely,

Kenneth E. Ing
Kenneth E. Ing, Chief
Air Compliance Branch

cc: W. O'Sullivan, Assistant Director
New Jersey Department of
Environmental Protection